

TOWN OF CHATHAM
488 State Route 295, Chatham, NY 12037

Town Board Workshop Minutes

Thursday, March 7, 2024 @ 6:30PM

This Meeting is IN PERSON (Town Hall) For Board Members With the Exception of the
Occurrence of Extraordinary Circumstances,

IN PERSON and VIRTUAL for the Public

GOOGLE MEET: meet.google.com/qqk-drha-pct **JOIN BY PHONE:** (US)+1 508-779-6056 **PIN:** 912 586 055#

➤ **PRESENT**

Supervisor Donal Collins, Councilmembers Rick Werwaiss, Destiny Hallenbeck, Angus Eaton, John Wapner, Highway Superintendent James Fetzner, CAATS Tamm Shaw, Town Clerk Beth Anne Rippel

➤ **RECORDING NOTICE**

➤ Supervisor Collins called the meeting to order and led the pledge of allegiance to the flag.

➤ **ANNOUNCEMENTS**

- Community Potluck & Pie Contest at East Chatham Fire Company (3/10 at 5pm)
- Chatham Fire Department Fish Fry Fridays
- Hallenbeck-EMS in Crisis film worth viewing.

➤ **OPEN PUBLIC HEARING: Proposed Local Law of 2024: Imposing a Temporary Town-Wide Six-Month Moratorium on Solar Energy Arrays.**

● **GUIDELINES FOR PROVIDING COMMENTS AT PUBLIC HEARINGS**

- The order of speakers will be chosen randomly, each speaker is allowed 3 minutes
- Speakers may not cede their speaking time to others
- Speakers are not to read from letters that they have already submitted and which are attached to the agenda

● **READING OF PUBLIC HEARING NOTICE:**

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board of the Town of Chatham at the Town Hall 488 State Route 295, Chatham NY on March 7, 2024 at 6:35PM for the purpose of accepting public comment on a Local Law to **Impose A Temporary Town-Wide Six-Month Moratorium on Solar Energy Arrays.**

Said local law is available for inspection in the Town Clerk's office during regular business hours and on the website at *chathamnewyork.us*.

By order of the Town Board

- READING OF PROPOSED LAW of 2024: IMPOSING A TEMPORARY TOWN-WIDE SIX-MONTH MORATORIUM ON SOLAR ENERGY ARRAYS

TOWN OF CHATHAM
LOCAL LAW # 2 OF 2024
LOCAL LAW IMPOSING A TEMPORARY TOWN-WIDE SIX-MONTH
MORATORIUM ON SOLAR ENERGY ARRAYS

Be it enacted by the Town Board of the Town of Chatham as follows:

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Town-Wide Temporary Six-Month Moratorium.”

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Chatham by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary six (6) month town-wide moratorium on the review and/or approval of any new or existing Site Plan Approval Applications for a Solar Energy Array.

The Town of Chatham does not currently have site plan review or other similar land use regulations relating to solar energy arrays. Further, the Town has recently adopted a new Comprehensive Plan which addresses the regulation of solar energy arrays and has appointed a committee to review, draft and recommend a new zoning and possibly other laws regulating such projects for adoption by the Town Board. The Committee will focus on the importance of protecting, revitalizing and maintaining the Town and encourage smart development which would be an integral part of the Town’s economic growth.

The Town Board finds and determines that based upon recent activities, applications and/or inquiries currently before the Town relating to solar energy arrays and based upon the opinion of the Attorney for the Town such applications and/or inquiries, if approved, could have a deleterious effect on Town’s aforementioned efforts.

The Town Board further finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully complete the adoption of a new local law, schedule and hold the required public hearing on either amendments to existing Local Laws or

the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

Section 3. Scope of Controls.

A. During the effective period of this Local Law, the Town Board and/or any other municipal body, including but not limited to the Planning Board and the Building Department, shall not begin or continue to review applications for or grant any approvals relating to a Solar Energy Array within the Town.

B. No new or existing applications for a Solar Energy Array in the Town shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

C. The Town Board reserves the right to direct the Town Building Inspector/Code Enforcement Officer/Zoning Enforcement Officer to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

D. Definitions. For the purposes of this local law, all terms utilized herein shall be defined in accordance with the NYS Town Law.

E. Applications for small roof or ground mounted solar arrays pursuant to the Town's Unified Solar Permit shall be exempt from this law.

Section 4. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. The Town Board reserves the right to enact subsequent short-term periodic moratoria in the future, in the event it determines that such subsequent local laws or extensions are necessary and in the public's interest. The Board reserves the right to terminate this moratorium prior to the end of the six (6) month period in the event that the new land use laws and/or revisions are enacted before such expiration.

Section 5. Hardship.

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship for a legally operating use. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay or normal financial loss in being permitted to make an application or waiting for a decision on the application for a permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an

opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall grant a variance of the application of this Local Law to a particular property, then the Town Board shall grant a variance of the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

C. Supersession. This variance section and the process and procedure of this Local Law supersede the New York State Town Law §267, 267-a and 267-b in accordance with the powers granted in and pursuant to the provisions of §10 of the Municipal Home Rule Law and §10 of the Statute of Local Governments. It is the intent of the Town Board pursuant to §10 of the Municipal Home Rule Law, to supersede the provisions of the Town Law set forth above relating to the reviewing body and process and procedure governing the granting of variances.

Section 6. Penalties.

Any person, firm or corporation that shall establish or develop any new use which is defined by the Town of Chatham Site Plan Review Law in violation of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided for in the Town's Site Plan Review Law and by applicable state and local laws, ordinances, rules, regulations of the Town for violations; and
- B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law.

Section 7. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 8. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

- OPEN TO PUBLIC HEARING

At 6:41PM by Supervisor Collins

Mesick-questions on a definition -solar array on service roads. Under hardship-could there be a list of what constitutes a hardship? Collins-as it pertains to obtaining a grant and meeting a deadline. (Rappleyea sent revisions) as per the attorney

Mesick-translate acreage and kilowatts.

Bobseine-the definition of hardship must be specific in this law.

Jolene-questioned the hardship. It's currently not allowed so why would they be applying for a grant. It sounds like they are applying for a grant and can skirt the issue

Carroll-if we don't allow it how can they apply for a grant?

Werwaiss-referred to a letter the Board had received asking for definitions on certain things.

Collins said that we don't have to adopt tonight.

- MOTION TO CLOSE PUBLIC HEARING

At 6:55PM was made by Hallenbeck, second by Werwaiss and carried.

➤ OLD BUSINESS:

- 1. Highway Expansion: SPECIAL PRESENTER: CT Male Associates (Nick Lobosco)

Starting construction after the snow clears. Highway would assist.

Presented a proposal some time ago. \$128,000 to get the project started. Estimated cost of the project could be about 1.5 million. It will all depend on what we're going to have to do in-house. Timing? April 1, 2025 shovels in the ground. Done by November 2025 comfortably. Funding discussion in next few weeks.

Gabriella-cooperation with agencies, DEC changes coming up, second is waste water. Yes, as per Lobosco. Difficult site because we don't have a sewer system. Wastewater will be stored then pumped when full. Can we collect the water to be used for road brine? Lobosco wasn't sure.

Linda suggested using solar panels as carports.

Collins-use the proposal that was previously submitted. Hope to have a motion to move ahead by the next meeting.

Werwaiss-it's a solid investment for the biggest department in the town budget. He'd love to see this done by November of 2025.

2. Capital Improvement Prospectus (Attachment)
Collins presented the Capital Improvement. Plan. What would we like to see done in addition to the highway garage.
ARPA Spreadsheet -325K in ARPA funding 150K left to spend by the end of 2026
Budget discussion was had on what and where spending occurred. This is all on your budget on the website. and in board members' budget binder.
3. Frisbee Golf Pavilion Purchase (Attachment/Resolution)
Collins- \$10,300. He'll be finalizing a site. Werwaiss would like to see lighting in the pavilion and in the parking lot. Collins has spoken to the electrician about the parking lighting, there is a plan.
4. Town Website Platform Update
Still looking at updating. Accessibility is prime. Ease of use is important.
5. NO PARKING: One-Way Streets
6. NO PARKING: Seasonal Restrictions

Highway Superintendent-Fetzer- there are parking issues on Church Lane .and in the hamlets when plowing. Towns around us have no parking during the winter months. This will have to be done by local law.

Eaton-we did have comments on this when it was first proposed. It sounds like a good idea but he has an issue. Fetzer-we don't want to have to tow. Werwaiss-only time you have to worry is when plows are out. We're giving them the ability to move the car so he can plow. Hallenbeck would like to put out a flier because this could become an issue in the Kinderhook Lake area. Messaging is important and it's a seasonal issue. We have a good amount of time to do outreach. Werwaiss-we should bring it to the communications committee to do the educational piece. You have to post signage as per law. Mesick-send a postcard to the people who are affected. Tammy suggested email blasts.

7. Community Preservation Fund Advisory Board: Local Law for Alternates (Attachment/Resolution for PH) considering 2 alternate positions. Wapner-Each person should alternate.
Werwaiss-Johns' suggestion doesn't need to change in the law, it's overkill.
Hallenbeck-would rather have it in the law.
Eaton-the Board was going to flush out the SOP.
Collins-alternates serve a one year term.
Werwaiss-we don't have term limits for our boards.
8. STR Permit Application Grace Period (Resolution)
Suspend enforcement. Encourage STR owners to come forward for a permit.
9. Zoning Update Fiscal Support
Eaton was worried about paying for the legal support and worried about going over the budgeted amount. Collins presented the attorney's budget. We need legal reviews to do this stuff.
10. Climate Action Response Plan: Town of Chatham (Attachment)
Cornell COOP had multiple meetings in town and the byproduct of those meetings has been released. Vulnerability assessment. Sent to Climate Smart, Zoning Update Committee chair. Go to our website to do the survey. Working with Tie and Bond who is doing outreach and they're working with County Emergency Management.
11. Columbia County Hazard Mitigation Plan (Attachment)

- Survey

Werwaiss-What's the timeline for the environmental assessment on town property. Hallenbeck said she's working on it for the next meeting.

➤ **NEW BUSINESS:**

1. Chatham Brewing/CBRC: Special Event Use Permit for Alcohol at Crellin Park.

2. Climate Smart Committee: Request for website (Resolution)

Eaton-CS has been looking at a website for some time and thinks it's a simple way to bring forward the Climate Smart without robbing the Town of Chatham front page real estate on the Town website. This allows for a website dedicated to Climate Smart. Collins thinks it would stay under the Town's umbrella. The problem has been not receiving submissions from the CS committee to be posted on the website. Shaw would post or repost things that she found on other social media sites that pertain to Climate Smart. Hallenbeck- would like to see us hold off on the CS website until we revamp the Town website.

Eaton-you think it's going to happen sooner and it's not. This is much simpler and can be revisited annually. Collins -has concerns, there was erroneous information posted by CS in the past. Eaton disagreed. This is relatively low risk and faster than redeveloping our town website.

Werwaiss-saw the prototype and the product is really good. It's much more like a commercial website. He's all for it. Eric Wilska-CS is an exceptional committee and they absolutely participate in what we do. People are thinking environmentally these days. Let's try it for 3 months, make it provisional. They need a standalone website.

3. Restore NY Round 8 Funding

➤ PUBLIC COMMENT

Jeanne-Climate Smart (CS) communication has not been utilizing the Town website.

What's the rush? Redesign the Climate Smart page if they want.

Tim said that the Town has to start looking at battery storage. He is opposed to alcohol in Crellin Park. Is there a youth component in the event? A while back we worked on a recommendation to the town regarding alcohol being served in the Park. that if there is more than 1/3 youth participation then there is no alcohol at the event.

Maury-additional website is an added liability.

Mesick- asked how many posts did CS send to go on the website?

Tammy-encourages people, especially committee members, to share Town information from social media sites.

Bobseine-re: bike event (alcohol at the park) in resolution the Town has a policy under limited conditions the Park can be used when applicant abides by those conditions. These events have been going on for years. There has never been a problem and the Town has a policy.

Mackerer- just because we've done this in the past and we haven't had a problem doesn't mean there won't be a problem.

Mesick -update the parameters, maybe get the public to weigh in.

Linda-regarding the comments that CS information is difficult to locate thus the request for a website of their own Linda did a Google search and she was taken

directly to the Climate Smart page, it was very easy to find the information.

Fetzer-wants to put a No Parking on Church Lane

➤ **RESOLUTIONS:**

1. **Resolution# 95-24: To Accept the Financial Abstract as presented to pay the Town Bills.**

WHEREAS, the Chatham Town Board accepts the Financial Abstract #16-2023 as presented to pay the Town Bills.

Offered by: Eaton seconded motion: Hallenbeck

VOTE:

AYE: Collins, Werwaiss, Wapner, Eaton, Hallenbeck **NAY:** None Resolution adopted.

2. **Resolution# 96-24: To Enact Local Law No. 2 of 2024 to Impose a Temporary Town-Wide Six-Month Moratorium on Solar Energy Arrays.**

WHEREAS, the Town Board of the Town of Chatham is considering a local law to Impose a Temporary Town-Wide Six-Month Moratorium on Solar Energy Arrays, and

WHEREAS, a public hearing has been held March 07, 2024 at 6:35 PM for the enactment of said local law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chatham hereby approves the adoption of proposed Local Law No. 2 of 2024 Imposing a Temporary Town-Wide Six-Month Moratorium on Solar Energy Arrays commencing as the date of this resolution.

Offered by: Eaton Werwaiss, seconded motion:

Werwaiss-We need to revisit definitions and create guidance within the body of the moratorium, create a one pager that further explains the intent.

Eaton- pass the moratorium

Hallenbeck would not mind waiting, she'd rather give it a meeting.

VOTE:

AYE: Collins, Werwaiss, Wapner, Eaton, Hallenbeck **NAY:** None Resolution adopted.

3. **Resolution#97-24: To Appoint a Member to the Invasive Species Awareness Committee**

WHEREAS, the Invasive Species Awareness Committee wishes to add a new member to its committee, and

WHEREAS, Kelly Mackerer expressed interest and was nominated by the Invasive Species Awareness Committee, and

NOW, THEREFORE BE IT RESOLVED the Chatham Town Board hereby appoints Kelly Mackerer to the Invasive Species Awareness Committee.

Offered by: Eaton seconded motion: Hallenbeck

VOTE:

AYE: Collins, Werwaiss, Wapner, Eaton, Hallenbeck **NAY:** None Resolution adopted.

4. **Resolution# 98-24: To Approve the Purchase of a Pavilion for Disc Golf and Town Hall Patrons**

WHEREAS, the Town Board of the Town of Chatham strongly supports recreation in the community, and

WHEREAS, the Town Hall of the Town of Chatham resides on a Town parcel that hosts recreational and tournament frisbee golf, and

WHEREAS the Town Hall facility hosts a significant number of staff and visitors, and

WHEREAS, the acquisition of a pavilion to accommodate recreational and government guests would provide a magnificent venue for outdoor congregation, rest and reflection, and

WHEREAS, the Town Board shall fund this purchase with an allocation from the American Rescue Plan Act, and

THEREFORE BE IT RESOLVED that the Town Board of the Town of Chatham hereby agrees to purchase a pavilion to support its recreational and governmental patronage in an amount not to exceed \$11000, and

BE IT FURTHER RESOLVED funding will be transferred from American Rescue Funds Account (A688) to Federal Aid Revenue Account (A4089) to Central Operations Equipment & Capital Outlay (A1620.2).
Collins will do pro bono excavating.

Offered by: Werwaiss, seconded motion: Hallenbeck

VOTE:

AYE: Collins, Werwaiss, Wapner, Eaton, Hallenbeck **NAY:** None Resolution adopted

5. **Resolution# 99-24: To Set a Public Hearing For Proposed Local Law of 2024: Establishment of Alternate Members to the Community Preservation Fund Advisory Board**

WHEREAS, The Town Board of the Town of Chatham in 2023 adopted by local law a Community Preservation Fund Advisory Board, and

WHEREAS, the local law established a five-member Advisory Board, and

WHEREAS The Town Board of the Town of Chatham wishes to add alternate members with voting capabilities to its Community Preservation Fund Advisory Board roster as a contingency for absences and recusals of the primary voting members, and

WHEREAS, an additional local law must be adopted to create alternate members for the Advisory Board, and

WHEREAS, it is necessary for the Town to hold a public hearing to accept public comment prior to a vote to enact such local law, and

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Chatham hereby schedules the public hearing for March 21, 2024 at 6:35PM.

Offered by: Eaton, seconded motion: Hallenbeck

Werwaiss- 3rd whereas: Is this clear that the alternate only votes if there is an absence or refusal? It's got to be **only** on refusal.

VOTE:

AYE: Collins, Werwaiss, Wapner, Eaton, Hallenbeck **NAY:** None Resolution adopted.

6. **Resolution# 100-24: To approve Chatham Brewing/CBRC Special Event Use Permit for Crellin Park**

WHEREAS, the Town Board of the Town of Chatham has determined that alcohol may be served under limited conditions at property owned by the Town known as Crellin Community Park under a special use permit procedure and,

WHEREAS, the Chatham Brewing/CBRC have requested a Town Board Special Event Use Permit for use of alcohol at Crellin Community Park on Saturday, April 13, 2024 from 12:00PM to 3:00PM, and have made application including copies of NYS Liquor License, Certificates of Insurance, deposit of \$1,000.00 and use fee of \$250.00 for the cycling event to be held on April 3, 2022, and

NOW, THEREFORE, BE IT RESOLVED, that alcohol may be permitted to be sold by Chatham Brewing and consumed at Crellin Community Park in conjunction with the Capital Bike Club Event on Saturday, April 13, 2024 upon the issuance of a special event use permit, deposit of \$1,000.00 and use fee of \$250.00 as determined by the majority vote of the Town Board.

Offered by: Werwaiss, seconded motion: Eaton

Collins- we are creating an elevated risk.

Hallenbeck-wants to be sure we can continue to have conversations on this.

Collins- there is a No Alcohol policy at the Park.

VOTE:

AYE: Werwaiss, Wapner, Eaton, Hallenbeck **NAY:** Collins Resolution adopted

7. **Resolution# 101-24: To Suspend the Levying of Application Fines for Short Term Rentals**

WHEREAS, the Town Board of the Town of Chatham adopted a local law defining and regulating Short Term Rentals within the Town in November of 2023, and

WHEREAS, the Town Board at the time of adoption of that local law allowed for a 120-day grace period from the filing of the local law for owners of such establishments to submit permit applications before fines are levied, and

WHEREAS March 22nd of 2024 is the last day of the grace period, and

WHEREAS, applications by Short Term Rental owners are significantly lower than the projected number of units within the Town, and

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Chatham elects

to suspend the enforcement of fines for short term rental that have not submitted permit applications for an additional 60 days.

Offered by: Werwaiss, seconded motion: Eaton

VOTE:

AYE: Collins, Werwaiss, Wapner, Eaton, Hallenbeck **NAY:** None Resolution adopted.

8. Resolution# 102-24: Authorizing the Climate Smart Committee to Develop and Maintain a Climate Smart Website

WHEREAS, Climate Issues are varied, emergent, and complex, and

WHEREAS, the Town of Chatham can contribute to better understanding of those issues, and

WHEREAS, the Climate Smart Committee seeks to better inform and involve the community in the Town's Climate Smart goals, projects, and actions, and

WHEREAS, other Columbia County Towns have successfully employed Climate Smart Websites, and

NOW, THEREFORE, BE IT RESOLVED, that the town supports, endorses, and authorizes the Climate Smart Committee to develop a Climate Smart Website to bring such issues to the forefront. The cost to the Town of such a website shall not exceed \$300 per year. The website

will be public facing, hosted independently, and link back to the main town website. The Town Board may at any time bring to the committee's attention concerns about postings and such postings will be removed and discussed pending approval, and

BE IT FURTHER RESOLVED, that the Town of Chatham will assist with coordination of the Climate Smart Website, the Town Website, and the Town Social Media pages.

Offered by: Eaton, seconded motion: Wapner

Eaton-Appreciated all the concerns but the Climate Smart website is low risk, great value. Wapner- CS has done a great job over the years. This is worthwhile and we should give it a try.

Hallenbeck- we should wait on the CS website, there are other avenues to get information out there. Wait for our town website update.

Shaw asked where the money will come from, it's not in the budget. Eaton said to take it from contingency. Collins still believes it should stay under the Town's umbrella.

VOTE:

AYE: Werwaiss, Wapner, Eaton **NAY:** Collins, Hallenbeck Resolution adopted

Eaton excused himself at 9PM.

➤ **PUBLIC COMMENT**

Mesick- the Board is working on "muscle and might" and not listening to the public.

Jeanne: Just because Climate Smart really wants a website is not a good enough reason to give it

to them, it's terrible.

Tammy- asked for clarification on the last paragraph stating that the "Town of Chatham will assist with coordination of the Climate Smart website and the Town website.

Werwaiss said that the expectation is that if CS asks for her help then she will give it, it's part of your job.

M. Bowerman-the Board should have considered the liability.

Linda-tested googling the Climate Smart page on the Town website and the search went directly to their page. She suggested that CS work with what you have then start all over if that doesn't work.

Mesick: Is there going to be a protocol for new websites? What happens if other committees want their own website? Werwaiss responded that any committee "will have his ear".

➤ **MOTION TO CLOSE MEETING**

at 9:10PM was made by Werwaiss, second by Hallenbeck and carried.

Respectfully submitted by,

Beth Anne Rippel, RMC

Town Clerk